REMARKS

Claims 1-15 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. Reconsideration of this application is respectfully requested.

35 U.S.C. § 103

Claims 1-4, 6 and 8-15 are rejected under 35 U.S.C. § 103 as being unpatentable over Pogue Jr. (U.S. Patent No. 5,995,512, hereinafter Pogue Jr.) in view of Daniels et al. (U.S. Patent No. 5,991,401, hereinafter Daniels et al.). Claims 5 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Pogue Jr. in view of Daniels et al. and in further view of Wright et al. (U.S. Patent No. 6,101,599, hereinafter Wright et al.). Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2143). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

TRAVERSE (i): There is no motivation or suggestion contained in the cited art to combine the teachings of the references.

Before obviousness may be established, the Office Action ***must show specifically*** the principle, known to one of ordinary skill that suggests the claimed combination. In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). In other words, the Examiner ***must explain*** the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention. Id. The factual question of motivation is material to patentability and ***cannot be resolved based on subjective belief and unknown authority***. Id. at 1344. Obviousness cannot be established by combining the teachings of the prior art to produce

the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984). The critical inquiry is whether there is something in the prior art as a whole *to suggest* the desirability, and thus the obviousness, of making the combination. Fromson v. Advance Offset Plate, 755 F.2d 1549, 1556 (Fed. Cir. 1985). The *Office Action fails to show either a suggestion in the art or a compelling motivation based on sound scientific principles to combine the references and therefore the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.* Applicants respectfully submit that there is no suggestion to combine the references, and if they could be properly combined, do not lead to the Applicants' invention.

TRAVERSE (ii): The combination does not provide Applicants' claimed invention.

Applicants' independent claims 1 and 11 call for, among other things, a vehicle comprising a first device and a second device and an active network communicatively coupling the first device and the second device, the active network being able to encrypt data.

Pogue Jr. teaches a multimedia network that includes a data bus arranged in a star topology (Figure 1; abstract). The network taught by Pogue Jr. also requires a master controller (40), which allows the various nodes on the network to function properly (column 4, lines 13-20; column 7, lines 62-67). As is known in the art, an active network is a network that does **not** use a bus-type architecture or a central computing resource such as a master controller (i.e. a network utility or arbiter as described on page 6, lines 4-6 of the Applicant's specification). Active elements within an active network enable multiple simultaneous communication paths between devices within the network/vehicle (page 7, lines 6-7 of Applicant's specification). An active network is a network in which the nodes are programmed to perform custom operations on the messages that pass through the node. An active network does not require or use a central server or computing resource, as each node in the active network passes "smart packets" that use a self-describing language that allows information carried within a packet to be operated on by a node in the active network. Clearly the data bus, master controller and star topology of Pogue Jr. are not an active network. Therefore, Pogue Jr. does **not** disclose or teach a vehicle comprising a first device and a second device and an active network communicatively coupling the first device and the second device.

Daniels et al. teaches a method for checking security of data received by a computer system within a network environment (abstract). The method taught by Daniels et al. is implemented solely in a network having a bus-type architecture (Figure 1; column 2, line 58). The bus-type architecture taught by Daniels et al. is not an active network for the reasons discussed above. It is clear that Daniels does not disclose or teach a vehicle comprising a first device and a second device and an active network communicatively coupling the first device and the second device.

Wright et al. teaches a method to facilitate fast context switching (abstract). Wright et al. does not disclose or teach a vehicle comprising a first device and a second device and an active network communicatively coupling the first device and the second device.

"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner's statement that all elements are disclosed in the above cited references, applicants claimed elements in independent claims 1 and 11, including: *a vehicle comprising a first device and a second device and an active network communicatively coupling the first device and the second device, the active network being able to encrypt data* are not disclosed or taught in any of the above references, so the rejection is unsupported by the art and should be withdrawn.

Applicants believe that this rejection has been overcome.

Claims 2-10 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on references for at least the same reasons as claim 1.

Claims 12-15 depend either directly or indirectly from claim 11 and are believed to be allowable over the relied on references for at least the same reasons as claim 11.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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